

Criminal law protection of animals against cruelty and other inappropriate treatment

Abstract

This diploma thesis deals with animal protection in the Czech Republic from perspective of criminal law as a legal instrument *ultima ratio*. Primary goal of this thesis is to analyse legal regulation in Act no. 40/2009 Coll., Penal Code, *de lege lata* and evaluate possibilities *de lege ferenda*. Within current legal regulation this thesis works with articles 302, 302a and 303 of Penal Code and the current legal regulation is compared with the previous one. Particular attention is dedicated to Act no. 114/2020 Coll., which established entirely new crime into the Czech legal system called Breeding Animals in Inappropriate Conditions and widened the listing of penalties stated in article 52 of Penal Code by penalty of prohibition of keeping and breeding animals. Particular novelties are analysed in detail and the thesis also responds to the most frequent arguments in favour and against passing the new legal regulation. Secondary goal of the thesis can be seen in sociological considerations and comparative studies.

Diploma thesis consists of five chapters, which divide more minutely further. The first chapter introduces key concepts of animal protection area, mainly the term „animal“. Fundamental terms are defined in relation to both private law and public law. The second chapter describes historical development of animal protection in law. Historical overview is divided into international, European and national legal regulation and the chapter concludes with the enumeration of a few significant international organizations dealing with animal protection. The third chapter examines current criminal regulation in Act no. 40/2009 Coll., Penal Code, specifically analyses articles 302, 302a and 303 of Penal Code and provides them with certain statistical data. Pivotal chapter four focuses on Act no. 114/2020 Coll., which is examined and analysed in detail. At the beginning of this chapter, principal modifications brought by Act no. 114/2020 Coll., are introduced followed by a list of reasons why legislator decided for the amendment, followed by some of the most frequent arguments in favor and against passing the new legal regulation, especially connection between penalties for Animal Cruelty crimes and other crimes, namely crimes against life and health. The fourth chapter ends with sociological considerations and studies regarding possible connection between animal cruelty and criminal offences against humans. The last chapter offers inside view into legal regulations concerning animal protection of some other European countries. Spanish, Dutch, Slovak and Hungarian legal regulation was chosen to be compared with the Czech one. Final

summary evaluates the level of the Czech legal regulation of animal protection in comparison with legal regulations in other European countries.